

Indiana Regulated Occupations Evaluation Committee Minutes of the August 22, 2012 Committee Meeting

Call to Order & Establishment of Quorum

The Regulated Occupations Evaluation Committee (ROEC) meeting was called to order on Wednesday, August 22, 2012 in the Government Center South Conference Room 5 at 9:00 a.m.

Committee members present:

- Barry Boudreaux, Acting Chair
- Gloria Downham
- Frances Kelly
- Deanna Malatesta
- Dave Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain
- Lisa Bentley

Review of Minutes of June 22, 2012 meeting

The June 22, 2012 minutes were reviewed and unanimously approved by committee members.

Presentation of “Part A & B” Assessment for Respiratory Care Committee Gary Smith, Board Chairman

Gary Smith, Board Chair of the Respiratory Care Committee presented a power point (attached hereto as Exhibit A) to the ROEC Committee. Information discussed in that presentation included:

- a. Introduction of RCC Board & Questions
- b. Types of Harm & Severity of Harm & Questions
- c. Current Regulation and Alternatives & Questions
- d. Alternatives to Regulation & Questions
- e. Proactive Surveillance & Questions
- f. Complaint Process & Nature of Complaints & Questions
- g. Effectiveness of Current Regulation – Reduced Consumer Harm & Questions
- h. Appropriate Regulatory Mechanism & CE Requirements & Questions

- i. Affects of Regulatory System & Questions
- j. Adequate Resources/Fees vs. Adequate Regulation & Questions
- k. Recommendations & Questions

Gary Smith introduced Sherry Bate, President of the Indiana Society for Respiratory Care (ISRC). He also stated that there is a physician appointment open on the committee that has been vacant for a considerable amount of time.

Deanna Malatesta asked how consumer members are placed on the boards/commissions. Mr. Smith replied that they are appointed through the Governor's office.

Gary stated that the only state that is not licensed is Alaska. He further explained that the Commission on Accreditation for Respiratory Care (CoARC) accredits professional respiratory care degree programs at the associate, baccalaureate, and masters degree level in the United States and internationally. Indiana statute requires each applicant to pass an examination. The committee utilizes the National Board of Respiratory Care (NBRC) for this examination. The committee issues licenses, temporary permits and student permits. Respiratory care therapists are required to take 15 continuing education units every two years as a requirement of licensure.

Frances Kelly asked Mr. Smith about allowing someone to be licensed with NBRC credentials. He explained that this would be for someone who has never been licensed, but is credentialed through NBRC, such as someone coming from the state of Alaska.

A committee member asked if a higher level of education is required before a student can work in a hospital setting. Mr. Smith responded affirmatively and said that student permits are allowed only under strict supervision. The students must be supervised by a licensed respiratory care practitioner and their work is signed off daily on a shift-by-shift basis.

A question was posed about how long student permits last. Mr. Smith replied with the following information contained within the power point presentation:

- The date the permit holder is issued a license under this article.
- The date the committee disapproves the permit holder's application for a license under this article
- The date the permit holder ceases to be a student in good standing in a respiratory care program approved by the committee. The graduation of a student permit holder from a respiratory care program approved by the committee does not cause it to expire under this subdivision.

- Sixty (60) days after the date that the permit holder graduates from a respiratory care program approved by the committee.
- The date that the permit holder is notified that the permit holder has failed the licensure examination.
- Two (2) years after the date of issuance.

Dave Miller said that he feels the ROEC Committee should put in their report the lengthy delays some schools student transcripts take to arrive at the IPLA for licensure. He said that 90-120 days is an unacceptable length of time when an individual is looking to go to work immediately.

Mr. Smith stated that the types of consumer complaints filed are:

Failure to complete CE
 Crime convictions
 Application/Renewal fraud
 Drug/Alcohol abuse
 Unprofessional conduct

The committee asked Dave Miller to present a report of consumer complaints broken down by numbers rather than specific time periods. The committee wants to see the information encompass licensure, as well as certification to see if volume and nature of complaints have changed.

Deanna Malatesta questioned why the state of Indiana should be involved as heavily as it is in the licensure of respiratory care. Sherry Bate responded that NBRC does not regulate or police the profession, but only reviews the exams.

Mr. Smith on behalf of the Respiratory Care Committee made the following recommendations to ROEC:

- Committee appointments – change the requirement for a physician to a respiratory care practitioner.
- Additional staff for Professional Licensing Agency – Group 8.

Presentation of “Part A & B” Assessment for Indiana Auctioneer Commission J. Yagle, Board Chairman

J. Yagle, Board Chairman of the Indiana Auctioneers Commission discussed the following topics during his power point presentation(attached hereto as Exhibit B) to the committee.

- a. Introduction of Indiana Auctioneer Commission
- b. Types of Harm & Severity of Harm
- c. Current Regulation and Alternatives
- d. Alternatives to Regulation

- e. Proactive Surveillance
- f. Complaint Process & Nature of Complaints
- g. Effectiveness of Current Regulation – Reduced Consumer Harm
- h. Appropriate Regulatory Mechanism & CE Requirements
- i. Affects of Regulatory System
- j. Adequate Resources/Fees vs. Adequate Regulation
- k. Recommendations & Questions

Mr. Yagel introduced Jack Lawson & Carl Hubert. He also stated that other states look to Indiana because our commission is very strong.

The licensing requirements for an auctioneer licenses consists of:

- Be at least 18 years of age
- Complete at least 80 hours of auction instruction from a commission approved pre-licensing course provider
- Pass examination
- Submit application

Deanna Malatesta asked Mr. Yagel if she would be considered an auctioneer if she sells something on EBay. Mr. Yagel replied that it is a federal issue that is currently being investigated because it is hard to regulate those types of sales. She said that the current definition reads “an individual who is engaged in, or who by advertising or otherwise holds the individual out as being available to engage in, the calling for, the recognition of, and the acceptance of offers for the purchase of goods or real estate at an auction” implies that she would be considered an auctioneer if she were selling through Ebay. Frances Kelly responded that auctioneers are third parties conducting an auction for someone else, where an individual selling on Ebay is selling directly for him or herself.

Licensing for a temporary auctioneer permit requirements are:

- Submitting an application along with the fee
- Passing the examination at one of the next two regularly scheduled examinations
- The permit cannot exceed one year

Mr. Yagel pointed out that the temporary permit is one of the things that the Indiana Auctioneer Commission is currently reviewing to see if they want to revamp.

Currently the Indiana Auctioneer Commission administers the auctioneer examination six times per year, but would like to outsource this if they can find a company interested enough due to the low volume.

The committee asked for a list of states that currently license their auctioneers. Katie Lowhorn, Board Director indicated that she would send this information to the committee as soon as possible.

Mr. Yagel explained the difference between an Auction House and an Auction Company as follows:

Auction House

- Established place of business where two or more auctions are held within a twelve (12) month period (auction barn, sale pavilion)
- Fixed location
- If sole proprietor, must be a licensed auctioneer
- If multiple owners, must have a licensed auctioneer on staff and submit verification of organizational structure

Auction Company

- Any person or persons who, as part of its business, arranges, manages, sponsors, or carries out auctions
- Can hold an auction anywhere in the state of Indiana
- If sole proprietor, do NOT need company license BUT if acting as a company, must submit DBA form
- If an organization (LLC, PC), must obtain licensure
- Do NOT need company license if an individual owner who has an auction house license

Mr. Yagel indicated the following board recommendations to the committee:

- Eliminate or restructure temporary permits
- Outsource pre-licensing examination
- Restructure auction house/company licenses

Findings and Recommendations of the Respiratory Care Committee and the Indiana Auctioneer Commission

Points made regarding recommendations for the Respiratory Care Committee were as follows:

- Temporary licenses are necessary for individuals due to the committee only meeting quarterly. This affects individuals transferring from out of state as well as and graduates.

- The legislature makes the decision regarding the number of members on boards and committees and the make-up of that board. So any decisions regarding placing or removing physicians would need to go through them.

The committee discussed findings and recommendations regarding the Respiratory Care Committee and the Indiana Auctioneer Commission at length.

Dave Miller pointed out that while deregulation can be good in some instances, he did not feel this would be a good call for the Indiana Auctioneer Commission. His explanation is that due to the high monetary value involved in some auctions. He further stated that deregulation may cause the public more harm than good, because it leaves them with little recourse for restitution if the auctioneer is not reliable.

Other recommendations that came from these discussions were to eliminate temporary permits for the Indiana Auctioneer License and combine the license for an Auction House an Auction Company into one license.

It was decided that Gloria will send out the voting matrix for both of these committees and it will be reviewed at the next meeting in further detail. The committee then decided to move the issues of physicians on boards and additional staff for PLA to their global issues list for future discussion.

Review of Reports as submitted on August 15th

- a. Dave Miller - Real Estate Appraiser Licensure & Certification Board
- b. Rita Springer - Physical Therapy Committee
- c. Gloria Downham - Indiana Athletic Trainers Board
- d. Frances Kelly - Physician Assistants Committee
- e. Sally Springer - Professional Corporations

Real Estate Appraiser Licensure & Certification Board

Recommendation: The Board continue in its current composition and no changes are warranted to the certification and licensing requirements administered by the board. The recommendation is based on the federal mandate for regulations of the appraisal activities in Indiana and the benefit for regulation is evident from the various types of activities that make use of an accurate appraisal.

Physical Therapy Committee

Recommendation: A Physical Therapy Board independent of Medical Licensing Board
The committee voted 4:1 in favor of this change.

Indiana Athletic Trainers Board

Recommendation: The committee recommends keeping the AT license.
Reciprocity be limited to either a per event basis, or a specific time frame.

Indiana Physician Assistant Committee

Recommendations: The Committee continues in its current composition with some modifications to the PA-Physicians relationship:

- Clarify and potentially relax chart review provisions
- Permit more discretion between the physician and PA regarding the supervision and scope of practice requirements
- Increase number of PAs a physician may supervise

Indiana State Medical Association work with PAs to put forth mutually beneficial language that will increase access to healthcare, not restrict practice.

Professional Corporations

Recommendation: ROEC sees no additional benefit to the general public in a separate license for professional corporations and recommends the elimination of this license as administered by IPLA.

These reports will be discussed again at the ROEC September 19, 2012 meeting.

Review Schedule

SEPTEMBER 19, 2012 – 9am-12pm

- Discussion of Global Issues
- Finalize ROEC Report to Health Finance Commission

OCTOBER 24, 2012 – 9am-3pm

- Indiana Plumbing Commission – “Part A & B” presentation
- Indiana State Psychology Board – “Part A & B” presentation
- Findings and Recommendations of the Indiana Plumbing Commission and the Indiana State Psychology Board

DECEMBER 5, 2012 – 9am-12pm

- TBD

JANUARY 23, 2013 – 9am-3pm

- Indiana Behavioral Health and Human Services Licensing Board – “Part A & B” presentation

- State Board of Funeral and Cemetery Service – “Part A & B” presentation
- Findings and Recommendations of the Indiana Behavioral Health and Human Services Licensing Board and the State Board of Funeral and Cemetery Service

Adjournment

Acting Chairman Boudreaux adjourned the meeting at approximately 3:11 p.m.

Barry Boudreaux, Acting Chair

Date

Indiana Regulated Occupations Evaluation Committee

Next Scheduled Meeting:

September 19, 2012

9:00 a.m.

Indiana Government Center South

Conference Room W064